

Editorial Reply to Jäckle

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Dear Dr. Jäckle:

The goal of our editorial [Fox et al., 2009] was to use this conflict to discuss the ethical principles, which govern responsible conduct of research (RCR) and peer review, and thereby to develop guidelines, which might prevent future occurrences of this nature. We note with regret that your reply did not address issues of ethical principles but focused only on perceived “factual flaws and omissions” (Jäckle, 2009a). However, we are heartened that we agree completely on “the only point that is indisputable: Schmuel and Leopold had the right to publish...” (Jäckle, 2009b, pg 11). In the following, we first reply to the perceived errors and briefly restate the ethical principles, which govern such matters.

Regarding selectivity in quotations from the correspondence, the editorial quoted only the points of correspondence directly relevant to RCR and peer-review principles; quotations were limited to correspondence, which occurred after the dispute had been brought to the attention of the Editors-in-Chief and after adjudication had been requested from the MPS. None of the earlier correspondence from the editors, some of which was less well informed and less formal, was included, as it was not relevant to this goal.

Regarding a failure to explicitly acknowledge that the manuscript was submitted without the knowledge or consent of the Principal Investigator, this level of discovery is not the role or responsibility of the journal. When the conflict was brought to the attention of Editors, it was referred to the home institution for a ruling. We had (and still have) no direct knowledge of the internal circumstances surrounding this conflict.

Regarding the scientific concerns of Dr. Logothetis, the editorial provided a full explanation of our rationale for not allowing a person identified by the authors as having a serious conflict of interest to preempt a completed peer-review process. Dr. Logothetis was invited to provide a scientific reply, which he declined. We are pleased, however, that a reply will appear in *NeuroImage*. This provides a proper forum for the scientific community to assess the scientific issues at hand, as recommended in our editorial.

Regarding whether your role in resolving this conflict was as “adjudicator” or “mediator,” this distinction is irrelevant to the ethical analysis provided. Respecting the principle that the home institution has the right and responsibility to determine for its faculty who has the right to publish, the journal requested a ruling. The journal was neither privy to the process by which this ruling was achieved, nor did it need to be. The journal only required a ruling, which you provided (quoted extensively in the editorial), in favor of the right of Schmuel and Leopold to publish.

On the matter of the alleged “inaccurate statements” regarding the internal procedures of the Max Planck Society (MPS), we repeat that the Editors were not privy to the process used by the Society. The editorial does note, however, several mutually contradictory statements made by yourself on behalf of the Society in this matter. We respectfully suggest that the MPS may wish to consider formal review of the adjudication/mediation process, which you oversaw, and determine whether the Society’s interests were well served by the process.

Regarding the assertion that the Max Planck Society was “accused of having interfered with a peer-review process,” no such allegation was made. Rather, the assertion was made (and appropriately documented) that Dr. Logothetis repeatedly tried to interfere with the peer-review process,

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even after having been explicitly requested to cease doing so (e-mail, May 22, 2008).

In closing, we would emphasize that you do not dispute what we view as the crucial facts of this case: (1) that determinations of data ownership and right to publish rest with the institution, not the journal; and (2) that the MPS confirmed Shmuel and Leopold's right to publish this data and formally communicated this decision to the journal. As cited above (Jäcke, 2009b, pg 11), you clearly agree on this point. As Editors of Human Brain Mapping, we can assure you and our readership that we would not have proceeded with publication if we had not received formal communication from the Society confirming the authors' right to publish. Having received that confirmation, we

were obligated to proceed with publication of an accepted manuscript.

REFERENCES

- Fox PT, Bullmore E, Bandettini PA, Lancaster JL (2009): Protecting peer review: Correspondence chronology and ethical analysis regarding Logothetis vs Shmuel and Leopold. *Hum Brain Mapp* 30:347–354.
- Jäcke H (2009a): Letter to the Editor. *Hum Brain Mapp* 30:1935.
- Jäcke H (2009b): The Other Side of the Coin. Max Planck Institute for Biological Cybernetics. (n.d.). HBM—MPG Conflict. <http://www.kyb.mpg.de/lo/hbm/hbmstart.html>